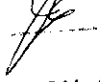


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
05 MAY -2 PM 2:09

ROBERT R. DI TROLLO
CLERK, U.S. DIST. CT.
WESTERN DISTRICT OF TENN. MEMPHIS

JOHN T. HALL,

Plaintiff,

vs.

MEMPHIS CITY SCHOOLS,

Defendant.

X
X
X
X
X
X
X
X
X
X
X

No. 04-3034-D/An

ORDER DIRECTING THE CLERK TO MAIL FORM TO PLAINTIFF
AND
SECOND ORDER DIRECTING THE PLAINTIFF TO FILE A
PROPERLY COMPLETED IN FORMA PAUPERIS AFFIDAVIT
OR
PAY THE CIVIL FILING FEE


Plaintiff John T. Hall filed a pro se complaint pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., on December 21, 2004, along with an application to proceed in forma pauperis and an application seeking appointment of counsel. Because the information provided by the plaintiff was insufficient to permit the Court to conclude that he is indigent and unable to pay the filing fee or to give security therefor, the Court issued an order on March 28, 2005 directing the plaintiff, within thirty days, to file a properly completed in forma pauperis affidavit, executed in compliance with 28 U.S.C. § 1746, or pay the \$150 civil filing fee. The plaintiff filed a motion for reconsideration of that order on April 25, 2005.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 5-2-05

(7)

The information supplied in the plaintiff's most recent filing does not comply with the Court's order, as the filing was not executed in compliance with 28 U.S.C. § 1746. As an explanation for his failure to comply, the plaintiff states that the Clerk did not send him a copy of the nonprisoner in forma pauperis affidavit. The Clerk is ORDERED to do so forthwith. The plaintiff is ORDERED, within thirty (30) days of the date of entry of this order, either to pay the \$150 civil filing fee¹ or to file a properly completed in forma pauperis affidavit that is executed in compliance with 28 U.S.C. § 1746. In completing that affidavit, the plaintiff shall list all his assets and his monthly expenses. Failure timely to comply with this order will result in dismissal of this action, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 29th day of April, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE

¹ Because this action was filed prior to the increase of the civil filing fee on March 7, 2005, plaintiff is only liable for the \$150 filing fee.



Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:04-CV-03034 was distributed by fax, mail, or direct printing on May 2, 2005 to the parties listed.

John T. Hall
2024 Lakefront Dr. #101
Collierville, TN 38017

Honorable Bernice Donald
US DISTRICT COURT